

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

v.

D-1, JAMES LETKO
D-2, STEVEN KING
D-3, RAMI LAZEKI
D-4, PATRICIA FLANNERY, and
D-5, KATHERINE PETERSON.

Criminal No. 2:19-cr-20652

Honorable David M. Lawson

Defendants.

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THE GOVERNMENT'S FILTER TEAM REPORT

Pursuant to the Court's August 10, 2021, Discovery Protocol Order (PageID.1331–1336) governing the disclosure and production of discovery materials that could be subject to potential claims of the attorney-client privilege, work product doctrine, or other legally recognized protection (hereinafter, "Potentially Protected Material") by certain third parties, the Government's assigned Filter Team Counsel respectfully submits this Status Report detailing the Filter Team's progress since its last Status Report to the Court on August 30, 2021 (PageID.1394–1398).

A. The Government's Assigned Filter Team.

In the following table, the Government lists the presently assigned members of the Filter Team who have worked on this matter since the last Status Report, the member's corresponding role, and the hours of labor the member expended on this matter from August 31, 2021, until the date of this Status Report:

Name	Assigned Role	Hours Expended
Mario H. Nguyen	Lead Filter Team Attorney	50.05
John Kosmidis	Acting Chief of Special Matters Unit (Supervisor)	2
Viola Runia	Filter Team Paralegal	0.20
Rene Merrifield	Litigation Support Department	4.00
Joshua Williamson	Litigation Support Department	0.75
Sharyn Webb-Johnson	Litigation Support Department	0.50
Melanie Cooke	Litigation Support Department	8.00
Kevin Beaver	Data Ingestion and Quality Control	1.50
Carmen Gomez	Data Ingestion and Quality Control	0.75
Daesh'a Sheffield	Data Ingestion and Quality Control	2.50

B. Status of The Filter Review.

1. Successfully Uploaded Non-Privileged/Protected Material.

In its last Status Report, the Filter Team reported successfully uploading over 3.7 million files to a database for review.¹ From these, the Filter Team since

¹ Although the Government is providing this background as the Court's Discovery Protocol Order requires, the Government does not waive any applicable protections or privileges over certain information about its investigation, filter process, or prosecution of this case. Indeed, the Government asserts that the deliberative process privilege, work product doctrine, and attorney-client privilege protect such information.

identified and segregated over 1.1 million files of Potentially Protected Material. Given the Court's desire for the Filter Team to produce all discovery that is not Potentially Protected Material to the Prosecution Team and the Defendants on a rolling basis, the Filter Team directed its Litigation Support Department to export the over 2.6 million non-privileged/protected files on September 3, 2021.

However, the volume of files required the Filter Team to batch the export into smaller partial productions. Of these, only Production Nos. 1 (one) through 5 (five) — which total over 1.3 million files — have finished exporting. Therefore, on the date of this Status Report, the Filter Team mailed to Defendants Letko, Flannery, Peterson, and King Production Nos. 1 (one) through 5 (five) (LTK-GLB-000000001 – LTK-GLB-0001850942). Additionally, the Filter Team is already exporting a second set of five similarly sized productions, which the Filter Team will issue to Defendants as soon as complete.

Of the material successfully uploaded to date, the Filter Team estimates the process of producing the non-privileged/protected material to Defendants and the Prosecution Team will complete on or around October 4, 2021.

2. *Unsuccessfully Uploaded Material.*

In its last Status Report, the Filter Team reported requesting replacement files from the producing party for various files that the Filter Team could not successfully load into its database. Although the Filter Team initially anticipated receiving the replacement files by September 10, 2021, the producing party is still copying the

replacement files. The Filter Team will strive to meet the Court's October 8, 2021, deadline to process, upload, filter, export, and produce all non-privileged/protected material from the replacement files to Defendants. Nonetheless, this process largely depends on how quickly the final replacement files copy, upload, and export. Should there be outstanding non-privileged/protected material that Defendants have not received by October 8, 2021, the Filter Team will inform the Court in its next Status Report on October 11, 2021.

3. Successfully Uploaded Potentially Protected Material.

Given that the Filter Team has identified over 1.1 million files of potentially protected material, Filter Team Counsel intends to initially confer with the third-party potential privilege holder about possible ways to reduce the volume of files identified as potentially protected material. Then, the Filter Team will begin producing all potentially protected material to the third-party potential privilege holder for review under the Discovery Protocol Order. The Filter Team estimates that the process of uploading, filtering, exporting, and producing all potentially protected material to the third-party potential privilege holders will be completed on or around October 29, 2021.

Should any of the above processes take longer than the estimates provided in this Status Report, the Filter Team will raise any concerns in its next Status Report to the Court.

C. Third-Party Potential Privilege Holders.

The Filter Team has not identified any additional third-party potential privilege holders since the last Status Report. Thus, the only third-party potential privilege holder whom the Filter Team has notified remains:

Third-Party Potential Privilege Holder	Counsel
Global Healthcare Management, LLC, and related entities, including Woods Pharmacy, LLC; Keystone Choice Pharmacy; U.S. Healthcare Pharmacy, LLC; and U.S. Healthcare Supply, LLC.	Courtney D. Orazio, Esq. James C. Rehnquist, Esq. Goodwin Procter LLP 100 Northern Avenue Boston, MA 02210 corazio@goodwinlaw.com jrehnquist@goodwinlaw.com

As the Court's Discovery Protocol Order requires, the Government's assigned Filter Team will file an updated report every 21 days until the disclosure of all discovery material is complete.

Dated: September 20, 2021.

Respectfully submitted,

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ACTING UNITED STATES ATTORNEY

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ACTING CHIEF, CRIMINAL DIVISION
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CERTIFICATE OF SERVICE

I certify that on September 20, 2021, the foregoing document was filed electronically. Notice of this filing will be sent to all parties of record by operation of this Court's electronic filing system.

/s/ Mario H. Nguyen
Mario H. Nguyen